Remarks

Claim 25 has been amended to return it to its original form, and new claims 29-31 have been added. A marked-up copy of claim 25 identifying the changes to claim 25 accompanies this Amendment. Review and reconsideration of the application is respectfully requested.

Claims 16-19, 22 and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,325,667 to Freeman. This rejection is respectfully traversed for the reasons discussed below.

The Freeman reference discloses a method for loading palletized freight into a boxcar that is located on a barge. For example, in order to carry out the loading procedure disclosed in the Freeman reference, a plurality of boxcars 18 are rolled onto the rails of a vessel (see, e.g., col. 1, lines 56-61 of the Freeman reference). Forklift trucks 30 are then used to load freight units 36 into the boxcars 18 (col. 2, lines 8-11). After the cars 18 are loaded, their doors are closed and secured (col. 2, lines 19-20). The vessel is then transported either under tow or its own power to a water-land railhead where the cars 18 are removed and connected to a train (col. 2, lines 24-27). Thus, in the Freeman reference, the unloaded major units (boxcars) are first located on the marine vessel, and the minor units (palletized freight) are then loaded into the major units (boxcars) using a forklift truck.

In contrast, in the system of the present invention, the minor units (the freight) are first loaded into the major units (the containers), and the loaded major units (containers) are then loaded onto the vessel deck by a vehicle. The vessel then travels to its destination location. Once the vessel is docked at the destination location, the loaded containers may then be unloaded from the vessel. The freight can then be unloaded from the container at that time or the loaded containers can be further transported (i.e., by mounting the loaded container on a train or chassis).

Thus, in the present invention, the major units (the containers) can be loaded with freight and then lifted onto the marine vessel by a vehicle, whereas in the Freeman reference

the major units (the rail boxcars) are first rolled onto the marine vessel and then loaded with freight by a vehicle. Thus, the order of operations of the present invention differs significantly from that disclosed in the Freeman reference. By loading and unloading the containers on the dock as in the present invention, the loading and unloading process is easier, safer and quicker. In the Freeman reference, the major units must be separately driven onto the barge. Thus, the system disclosed in the Freeman reference is a roll-on roll-off service except for the palletized sugar, and requires wheeled major units.

At column 2, lines 12-15 of the Freeman reference, it is noted that the freight units disclosed in that reference that are lifted by the forklift usually consist of palletized freight such as palletized sugar in bagged or boxed condition. In contrast, each of independent claims 16, 22, 24 and 25 include the step of "selecting a plurality of containers adapted to contain and protect freight in a marine environment." Each of the claims 16, 22, 24 and 25 specify that the containers are then lifted and located on the deck of a vessel.

In contrast, the Freeman reference does not disclose lifting and locating marine-ready containers on a deck. It is submitted that the "palletized sugar in bagged or boxed condition" of the Freeman reference are different in shape, size and function from a container that is adapted to contain and protect freight in a marine environment. For example, a component in a marine environment can be exposed to severe elements such as extreme temperatures, inclement weather (including snow, rain, and wind), sea spray, impacts with fork lifts or other machinery, etc., and thus it is submitted that the palletized freight of the Freeman reference is not "adapted to contain and protect freight in a marine environment." Furthermore, the containers of the present invention protect the contents from theft and pilferage, which is not offered by the palletized freight of the Freeman reference. If any element in the Freeman reference must be analogized to the containers of the present invention, it would be the railroad boxcars of the Freeman reference. However, as noted earlier the railroad cars of that reference are not lifted and located on the deck of a vessel, and are not loaded before being

placed on the vessel. Thus, it is submitted that independent claims 16, 22, 24 and 25 define over the Freeman reference.

The system of the present invention provides several advantages not present in the system of the Freeman reference. The system of the present invention enables "containerization" and enables a user to load the container at a time and place that is convenient to the user. The container can then closed up, shipped to a port and loaded onto a vessel. For example a container can be left in a warehouse, which enables the user to load the container inside a protected environment and at the user's leisure. The container can then be lifted, for example by a reach stacker, onto a truck chassis and transported to a port. The container can then be lifted from the truck chassis and placed directed on a vessel without re-opening the container.

In contrast, using the system of the Freeman reference the freight (i.e. palletized sugar) must be shipped to the port, unloaded from the shipping vehicle, transported across the ramp 24 and onto the vessel 12 of the Freeman reference (see Fig. 3), and then loaded into the boxcars. Thus, the palletized sugar or other freight must be loaded once at the customer's shipping site, and then unloaded and loaded again at the port. This requires additional time and effort exposes the freight to the elements at the port. Furthermore, the rail cars of the Freeman reference cannot travel to the customer's site for preloading unless the customer includes railroad tracks on its premises.

Furthermore, it is submitted that the railcars of the Freeman reference are to heavy and bulky to be carried by a reach stacker, either in their loaded or unloaded states. Thus, the railcars must be rolled onto the barge. This is to be contrasted with the container of the present invention, which are intermodal and can be used on vehicle chassis, vessels, trains and the like. Thus, as noted above, the Freeman reference does not disclose lifting each container, as required by claim 1 of the present invention. Furthermore, the vehicles of the Freeman reference are wheeled, and therefore are not stackable.

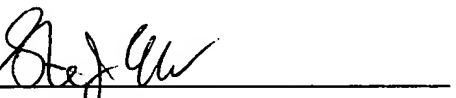
New claims 29-31 further distance the claimed invention from the Freeman reference by specifying that the containers are loaded with freight before the containers are loaded onto the vehicle.

Claim 17 is rejected as defining obvious subject matter over Freeman in view of Backteman et al. However, it is submitted that the references cannot be combined in the suggested manner. It is submitted that twistlocks can only be used with rigid enclosures, and cannot be used with the palletized sugar in boxed or bagged condition of the Freeman reference. It is submitted that in order to secure boxes or bags of dried goods together, a lashing or the like would be used.

Furthermore, claim 19 specifies that the containers are secured to each other by means of semiautomatic twistlocks. In contrast, the palletized sugar in boxed or bagged condition of the Freeman reference are not secured to each other, and indeed cannot be secured to each other, by semiautomatic twistlocks.

In view of the foregoing amendments and arguments, the application appears to be in a condition for allowance, and a formal notice thereof is requested. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809.

Respectfully submitted,



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MARKED-UP COPY OF AMENDED CLAIMS

25. (Twice Amended) A method of transporting containers with a marine vessel comprising the steps of:

selecting a plurality of containers adapted to contain and protect freight in a marine environment;

lifting a container by means of a vehicle [having a body portion and a gripping portion including a spreader attachment, said gripping portion being capable of being raised and lowered, rotated, and inclined relative to said body portion, said vehicle engaging said container at a top wall of said container];

causing said vehicle to travel over a ramp to a storage deck of a marine vessel, said ramp and storage deck having sufficient strength to support said vehicle when said vehicle is transporting a fully loaded one of said containers;

positioning said container at a desired location on said deck by means of said vehicle;

repeating said lifting, causing and positioning steps for each of said plurality of containers;

securing said containers to said deck at said locations; and

towing said marine vessel with said containers secured to said deck thereof to a destination site.